

**UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT**

KENDALL WARE,
SYDNEY PARTIN,
HALEY SOMMER, and
CASSIA HARTING-SMITH,

Plaintiffs,

V.

Civil Action No. 2:22-CV-212

THE UNIVERSITY OF VERMONT
AND STATE AGRICULTURAL
COLLEGE, THE BOARD OF
TRUSTEES OF THE UNIVERSITY
OF VERMONT AND STATE
AGRICULTURAL COLLEGE,
NICHOLAS STANTON, KATHERINE
SPENCE, TARYN MORAN, JEFFREY
SCHULMAN, KRISTA BALOGH,
JOSEPH RUSSELL, JOHN BECKER and
OTHER UNIDENTIFIED DEFENDANTS,

Defendants.

PARTIES' JOINT MOTION TO STAY DISCOVERY

The parties, by and through counsel, hereby jointly move pursuant to Fed. R. Civ. P. 26(f) and Local Rule 26(a)(3) for the Court to enter an order staying discovery until the Court has resolved Defendants' pending Motion to Dismiss Plaintiffs' First Amended Complaint. In support of this Joint Motion, the parties state as follows:

1. Plaintiffs filed the initial Complaint on December 6, 2022. It asserted claims against Defendants arising under 20 U.S.C. § 1681(a) (“Title IX”), 42 U.S.C. §§ 1983, 1988, and various provisions of Vermont statutory and common law.

2. On February 10, 2023, Defendants moved to dismiss the Complaint for failure to state a claim. Plaintiffs responded by filing their First Amended Complaint on May 16, 2023. On

July 14, 2023, Defendants moved to dismiss the First Amended Complaint for failure to state a claim.

3. On July 26, 2023, the Court granted Plaintiffs' Assented-To Motion to Extend Time for Response to Motion to Dismiss. Accordingly, Plaintiffs' response to the pending Motion to Dismiss must be filed on or before September 27, 2023. Defendants anticipate filing a reply memorandum in further support of the Motion to Dismiss.

MEMORANDUM OF LAW

Local Rule 26(a)(3) provides that "[a] party may request a stay . . . until [a Rule 12(b) or (c)] motion is decided, if a stay . . . will help to secure the just, speedy, and inexpensive determination of the action." *Id.* (citing Fed. R. Civ. P. 1). Plaintiffs' First Amended Complaint comprises eleven counts asserted by four individuals against various institutional and individual defendants, asserting numerous legal theories arising under state and federal law. The Court's ruling on Defendants' Motion to Dismiss Plaintiffs' First Amended Complaint may significantly alter the scope of discovery in the case. The parties therefore submit that staying discovery until the Court has issued its ruling on the Motion to Dismiss will promote the most efficient and economical resolution of the case. The parties propose to confer and file a discovery schedule within 30 days of receiving the Court's decision on the Motion to Dismiss.

Dated at Burlington, Vermont this 1st day of September, 2023.

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